

CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 11/7/13	NEED RESPONSE BY: 11/17/13
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Shasta	
3. PHONE NO.:	7. SUBJECT: Drug Felony Expunged After Application Date	
4. REGULATION CITE(S): 63-503.11	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACIN I-71-99 question #5	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

When a drug felon's conviction is expunged after application but before the interview, is the client eligible from the date of application, the date of expungement, or the date of report? When All County Information Notice (ACIN) I-71-99, question #5 states that eligibility is not retroactive, what does this mean when applied to an application?

Scenario:

Client applied as a household of one for CalFresh on 8/28/13 as a convicted drug felon. The felony was expunged on 9/3/13. The client was interviewed on 9/18/13.

10. REQUESTOR'S PROPOSED ANSWER:

Client is eligible the date of application, which in this example would be as of 8/28/13. Per 63-503.11, a CalFresh household's eligibility is determined for the month of application by considering the household's circumstances as of the date of interview. On the date of the interview the client was not a convicted drug felon.

Client is eligible the date of expungement, which in this example would be 9/3/13. Per ACIN I-71-99 question #5, the client was no longer considered to be a convicted felon as of the date the felony record was expunged. However, since eligibility is not retroactive and there is no eligibility prior to the date the record was expunged.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Federal regulations (7 CFR 273.10(a)(1)(i)) state "A household's eligibility shall be determined for the month of application by considering the household's circumstances for the entire month of application." The cited MPP section (63-503.11) conflicts with federal regulations and will be amended. ACIN I-71-99 states that drug felon status no longer exists as of the date the felony conviction is expunged. As stated in MPP 63-503.14(QR) a household may be ineligible for the month of application but eligible for the subsequent month due to reported, estimated or anticipated changes in circumstances. Therefore, since the client applied on 8-28-13 and the felony was expunged on 9/3/13, eligibility should have been established as of 9/3/13.

FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ:

(JR)